

JUN 15 2007

Serial No.: 10/705,272  
Attorney Docket No.: 100111143-1**REMARKS**

In response to the Office Action dated March 15, 2007, claims 1, 6, 10, 15 and 17-18 have been amended. Claims 1-20 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action objected to claim 17 due to minor informalities.

In response, the Applicant has amended claim 17 as suggested by the Examiner to overcome this objection.

The Office Action rejected claims 1, 2, 4, 6, 8, 10-12, 14, 15 and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura et al. (U.S. Patent No. 6,931,138) in view of Kudo et al. (U.S. Patent No. 6,919,925). The Office Action rejected claims 3, 7, 13 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura et al. in view of Kudo et al. and further in view of Anderson (U.S. Patent No. 6,683,649) and still further in view of Kincaid (U.S. Patent No. 7,072,477). The Office Action rejected claims 4 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Kawamura et al. in view of Kudo et al. and further in view of Kincaid.

The Applicant respectfully traverses these rejections based on the amendments to the claims and the arguments below.

Specifically, in light of the amendments to the claims, the combined references are missing features of the Applicant's claimed invention. Although the combined references (four references were combined by the Examiner in one rejection) disclose a zoom microphone device (Kawamura et al.), video camera with buttons (Kudo et al.), metadata on a camera that corresponds to recorded audio (Anderson) and creating metadata corresponding to recorded audio (Kincaid), as argued by the Examiner, the combined references are still missing features of the Applicant's claimed invention.

For example, the Applicant's claimed invention now includes adjusting the audio gain, not only during playback, but also during postview zooming in an amount related to the zoom level recorded by the zoom control function. Moreover, the claims now also include simultaneously changing the gain while the images are being recorded of a subject to mimic actual human movement to and from the subject as the zoom level changes, creates metadata having a pointer to a file name of the recorded image and

Serial No.: 10/705,272  
Attorney Docket No.: 100111143-1

during postview, alters the metadata to automatically increase the volume of associated audio as the image is cropped by automatically determining a scale of the gain of the audio amplifier using an original picture size as a reference. Support for these amendments can be found throughout the specification and at least in FIGS. 1-4 and paragraphs [0019], [0020] and [0022] of the Application specification (U.S. Patent Publication No. 2005/0099511).

Cleary, the combined references do not disclose, teach or suggest all of these features. Hence, since the combined references are missing features of the Applicant's claimed invention, the combined references cannot render the Applicant's invention obvious. This failure of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a *prima facie* case of obviousness and, thus, the rejections should be withdrawn (MPEP 2143).

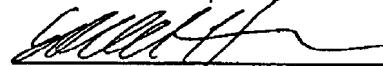
Further, with regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (MPEP § 2143.03). Also, the other references cited by the Examiner also have been considered by the Applicant in requesting allowance of the dependent claims and none have been found to teach or suggest the Applicant's claimed invention.

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly requests the Examiner to telephone the Applicant's attorney at (818) 885-1575.

Please note that all mail correspondence should continue to be directed to

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